

**GUAM ANCESTRAL LANDS COMMISSION REGULAR MEETING MINUTES  
VIA ZOOM**

**December 22, 2021 • 2:04 p.m. to 3:44 p.m.**

**Notices were published in the *Pacific Daily News* on Wednesday, December 15, 2021  
and Monday, December 20, 2021**

**I. CALL TO ORDER**

Chairman Eclavea called the virtual, regular meeting of the Guam Ancestral Lands Commission to order at 2:04 p.m. In Compliance with Public Law 24-109, the Guam Ancestral Lands Commission announced the virtual meeting on Wednesday, December 15, 2021 and Monday, December 20, 2021 in the *Pacific Daily News*.

**II. ROLL CALL**

**Commission Members Present:**

Ronald F. Eclavea, Chairman  
Ronald T. Laguana, Vice Chairman  
Maria G. Cruz, Secretary/Treasurer  
Angela M. Camacho, Commissioner  
Anita F. Orlino, Commissioner

**Excused Absence:**

Jeffrey B. Rios, Commissioner  
Louisa F. Wessling, Commissioner

**Management and Staff Present:**

John T. Burch, Executive Director  
Catherine T. C. Blas, Administrative Officer  
Joey G. Leon Guerrero, Land Agent II  
Nicolas E. Toft, Legal Counsel, OAG  
Andy Mendiola, DOL Land Agent I Trainee  
Mara Perez, DOL Administrative Aide Trainee

**Also Present:**

Tony Arriola, Program Coordinator III, GEDA  
Mike Cruz, Project Manager, GEDA

**III. APPROVAL OF MINUTES**

**A. November 17, 2021 Regular Meeting – Summarization**

**Chairman Eclavea** asked for a motion to approve the minutes.

**Secretary/Treasurer Cruz** made the motion.

**Commissioner Orlino** seconded the motion.

**Chairman Eclavea** called for a vote, after which he said the motion passed unanimously.

#### **IV. EXECUTIVE DIRECTOR'S REPORT**

The following are updates for the Guam Ancestral Lands Commission.

##### **Freedom Of Information Act (FOIA):**

The following FOIA requests were received and processed:

##### **Office of Vanessa L. Williams – November 10, 2021**

FOIA requested all documents on land GALC sold and or transferred to GPA.

Our response: We have reviewed our files and have found no documents responsive to your request.

##### **Office of Vanessa L. Williams – November 12, 2021**

FOIA requested all documents reflecting documents related to all sales transactions of real property by the Guam Ancestral Lands Commission, not returns of real property to original landowners.

We transferred all relevant documents related to the sale of property to GWA. This is the only sale of property by GALC.

##### **Oversight Virtual Hearing: Thursday, November 18, 2021, at 5:00 p.m.:**

GALC and DLM attended the Legislative Oversight Hearing held Thursday, November 18, 2021 at 5:00 pm to 9:00 pm. Our Oversight Chair requested the following information:

"Status of the notification of ancestral landowners of federal properties designated as "transfer in progress" under the authority of U.S. Public Law 106-504, and properties listed as "anticipated to be transferred" between 2022 and 2026 pursuant to response letter from Secretary of the Navy Kenneth Braithwaite to Governor Lourdes Leon Guerrero dated July 2, 2020:

- o Parcel C of Marbo Cave
- o Tanguisson Beach Park
- o Tanguisson Power Plant
- o ACEORP Maui Tunnel
- o USO Beach Park
- o Piti Powerplant & Substation
- o Agana Diesel Power Plant
- o Lot 603-1 Apra Heights (also identified as Lot 402-1)

In addition, our Oversight Chair requested us to provide a status of notification of ancestral landowners of Andersen Barrigada Annex I & II, Lots A7a & A7b, located in Barrigada, Guam, to include the property known as "Eagles Field" and nearby lots in Barrigada."

**Attachment A:** Director's Testimony

##### **Bill 225-36 (COR):**



Speaker Terlaje informed GALC that Bill 225-36 (COR), sponsored by her and Senators Taitague, Brown, Perez, Blas and San Agustin, was formally introduced on November 24, 2021:

“AN ACT TO APPROPRIATE NINETY THOUSAND ONE HUNDRED SIXTY-NINE AND FORTY-ONE HUNDREDTH DOLLARS (\$90,169.40) FROM THE GENERAL FUND (FUND 309 – AGANA FRACTIONAL LOTS) TO THE GUAM ANCESTRAL LANDS COMMISSION AUGMENTING OPERATIONAL CAPACITY TO ADMINISTER ANCESTRAL PROPERTY RIGHT CLAIMS FOR EXCESS LANDS RETURNED BY THE FEDERAL GOVERNMENT.”

In summary, Bill No. 225-36(COR), seeks to provide funds that are to be used for hiring up to two land agents and to purchase computers and digitizers with software needed to digitize land documents to help the Ancestral Lands Commission with its mission of administering the return of excess federal property to original landowners.

**Attachment B:** Bill 225-36 (COR)

**Chairman Eclavea** asked if this was still a bill.

**Executive Director Burch** said yes.

**GALC – COAST360 Account Balances:**

Attached for your review is the Guam Ancestral Lands Commission’s account balances at Coast360 as of December 20, 2021 and Coast360’s Jumbo Term Share rates which has not changed since March 1, 2021.

**Attachment C:** GALC – COAST360 Account Balances

**Attachment D:** Coast360’s Jumbo Term Share rates

**Vice Chairman Laguana** asked which account the \$335,000 being transferred to DOA was coming from.

**Executive Director Burch** stated it was coming from the SIDF account and was listed in Attachment C, account number 102. He said the account had accumulated over \$730,000, because they had not yet paid DOA. He said that DOA agreed to continue with the arrangement established since new management took over wherein GALC used General Fund monies and reimbursed DOA at the end of the fiscal year.

**Vice Chair** said so technically the budget for FY21 was \$335,000.

**Executive Director Burch** stated it was maybe a little less than that. He said they were extremely frugal, because BBMR had restricted their budget to \$290,000 although an appropriation of \$408,000 was made. He continued that around March they could not certify funds available, so they transferred in \$40,500 from the Compact Impact fund. He stated this was the first time they had received Federal monies. He said in August another \$42,900 was needed and transferred, which allowed GALC to complete out the year. This FY22 another \$408,000 was appropriated. He added they received around \$73,000 in ARP monies, which they were still working on. He said they were hoping to get another \$90,000 with the special bill now being considered in the legislature. He stated this would allow them to hire another land agent or two. He said the commission was barely able to keep their doors open in FY21, because of what BBMR had allotted to them. He stated that now GALC will respond directly to DOA and



to the legislature when they develop their budgets. He stated with \$408,000 they could keep current staff and continue operating.

**Vice Chairman Laguana** asked what was going into the SIDF account.

**Executive Director Burch** said it was the rent money from Matson and Trans Steel.

Thank you for the opportunity to present this update. Please let me know if further information is required.

## **V. GEDA PROGRESS REPORT – Presented by Tony Arriola**

**Please see attached report.**

### **RFP 21-011 – For Lease and Development of Land Bank Trust Property: Lot Apra Harbor Reservations, F-12-1, portion of F-12-2, and F-12-3, Polaris Point, Piti**

- GEDA is currently in the lease negotiation phase with the vendor and is requesting for an appointed representative by GALC to be a part of the negotiation committee.

After a discussion, it was agreed that **Vice Chairman Laguana** and **Executive Director Burch** would serve on the negotiation committee.

### **Farmer's Cooperative Association of Guam, Inc. – Status on upcoming lease payment from FCAG**

- The Farmer's Cooperative Association of Guam (FCAG) sent a letter to GEDA indicating that they would like to invite the GALC Board for a tour of the new facility and to meet regarding the lease. FCAG is looking forward to a response of the decision of the GALC Board. (See letter attached)

**Vice Chairman Laguana** asked if the upcoming lease payment was based on revenues from produce or from use of the facilities. He asked if it took effect in 2021 or 2022.

**Mike Cruz** stated the position GEDA took in the beginning was that FCAG would pay rent after 7 years, which they believed was January of 2021. He added that their lease payment would be based on the total gross revenues from use of the property not just the facilities. He stated GEDA understood that FCAG had issues with regards to this and that that was one of the reasons FCAG wanted to meet with the Board.

**Vice Chairman Laguana** stated he believed FCAG had an MOU with the Dededo Mayor.

**Mike Cruz** said yes, vendors at the flea market pay fees to the Dededo Mayor, not to the farmer's co-op.

**Vice Chairman Laguana** asked if the co-op receives a percentage of those fees.

**Mike Cruz** stated they believe they don't. He stated the land belongs to GALC, not just the building, which GovGuam paid to construct.

**Vice Chairman Laguana** stated he is a member of the co-op and is on the co-op's Board. He stated he never saw any revenues paid by the Dededo Mayor to the co-op. He stated he has seen food trucks on Tuesday nights and other activities on the property. He stated he wanted a legal opinion on what FCAG's lease payment would be based on.

**Mike Cruz** suggested inviting FCAG to the next GALC Board Meeting where the matter of the lease agreement could be addressed.

**Chairman Eclavea** stated he was concerned about what activities were happening at the co-op, what revenues were generated, and how it was being collected. He asked GEDA if FCAG had ever submitted a financial statement as requested in the past.

**Mike Cruz** answered no. He stated they didn't have a normal lease agreement with FCAG, what they had was the law. He stated the law split the revenues, with some going to the mayor and some to FCAG. He stated GEDA told FCAG that they owed GALC rent based on revenues the co-op had generated since January of 2021. He said FCAG disagreed.

**Vice Chairman Laguana** agreed with inviting FCAG to the next commission meeting. He said at the meeting legal counsel should explain the legislative lease agreement, that GEDA should give input as well, and that FCAG should provide a financial statement for 2021.

**Chairman Eclavea** agreed.

**Executive Director Burch** stated he would put them on the schedule.

**Chairman Eclavea** asked legal counsel if he was familiar with the lease agreement.

**Legal Counsel Toft** stated he was not and would need to look it over to give a substantive opinion.

**Commissioner Cruz** requested a copy of the legislative lease.

**Executive Director Burch** said he would email it.

Should you have any questions, please contact Tony Arriola at 647-4332. Si Yu'os Ma'ase' for your continued support in generating revenues for the beneficiaries of the Trust.

## **VI. OLD BUSINESS**

### **A. GEDA MOU**

**Chairman Eclavea** asked legal counsel for his legal opinion on the MOU.

**Legal Counsel Toft** asked if he wanted a written analysis of the MOU.

**Chairman Eclavea** said no.

**Legal Counsel Toft** stated the MOU was good to go. He stated he didn't see anything in the MOU that needed modification.

**Chairman Eclavea** asked for a motion to approve the GEDA MOU.

**Commissioner Orlino** made the motion.

**Vice Chairman Laguana** seconded the motion.

**Chairman Eclavea** asked for a discussion. There was no discussion. He then called for individual votes.

**Chairman Eclavea:** yes

**Commissioner Orlino:** yes

**Secretary/Treasurer Cruz:** yes

**Vice Chairman Laguana:** yes

**Commissioner Camacho:** yes

## **VII. NEW BUSINESS**

### **A. Oversight Hearing Review**



**Executive Director Burch** said GALC did a good job, and that they made their point.

**B. Tiyan Parkway Status**

There was a discussion about the history of the Parkway.

**C. Farmer's Cooperative Association of Guam**

This was discussed during the presentation of GEDA's Progress Report.

**VIII. PUBLIC COMMENTS**

**IX. ANNOUNCEMENTS**

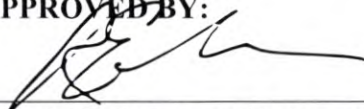
**A.** The next GALC Board Meeting was scheduled for January 12, 2022.

**X. ADJOURNMENT**

**Chairman Eclavea** thanked everyone and adjourned the meeting at 3:44 p.m.

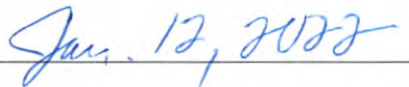
**Additional Remarks:** The summarization of the GALC Board Meeting Minutes has been approved by the board due to the shortage of GALC Staff. Please refer to the Office of Public Accountability (OPA) Website for the GALC Board Meeting Minutes Audio Recording for detailed information.

**APPROVED BY:**

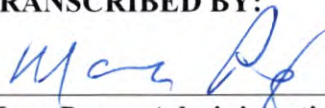


**Ronald F. Eclavea, Chairman**  
Guam Ancestral Lands Commission

**DATE APPROVED:**

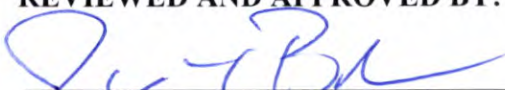


**TRANSCRIBED BY:**



**Mara Perez, Administrative Aide**  
Guam Ancestral Lands Commission

**REVIEWED AND APPROVED BY:**



**John T. Burch, Executive Director**  
Guam Ancestral Lands Commission